

REMARKS

Summary

Claims 1, 3-9, 11-15, 17-20 and 22 stand in this application. Claims 2, 10, 16 and 21 were previously canceled without prejudice. Claims 1, 7, 9, 15 and 20 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 7, 9, 15 and 20 in order to facilitate prosecution on the merits.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3-9, 11-15, 17-20 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 7,069,439 to Chen et al. (“Chen”) in view of United States Patent Publication No. 2004/0147251 to Nakayama et al. (“Nakayama”), and further in view of United States Patent No. 7,424,611 to Hino et al. (“Hino”). Applicants respectfully traverse the rejection, and requests reconsideration and withdrawal of the rejection.

Applicant respectfully submits that the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1, 3-9, 11-15, 17-20 and 22. Therefore claims 1, 3-9, 11-15, 17-20 and 22 define over the cited references whether taken alone or in combination. For example, claim 1 has been amended to recite the following language, in relevant part:

communicating control signals, by the second processing system, to disable access by the first processing system to a transceiver of the device if the integrity of the application is not verified.

According to the Office Action, the missing language is disclosed by Chen at column 11, lines 5-16. Applicant respectfully disagrees.

Applicant respectfully submits that Chen fails to disclose the missing language of the claimed subject matter. Chen, arguably, teaches secure authentication arrangements

for a computing apparatus. More particularly, the cited portions of Chen teach ending the authentication process if any of the verification steps fail. Applicant submits that this is clearly different than the above recited language of claim 1. Applicant submits that they have been unable to locate any teaching in Chen directed to “communicating control signals, by the second processing system, to disable access by the first processing system to a transceiver of the device if the integrity of the application is not verified” as required by amended independent claim 1. Therefore, Chen fails to disclose, teach or suggest the missing language. Applicant submits that Nakayama and Hino also fail to disclose at least the above recited missing language. Consequently, the cited references, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

For at least these reasons, Applicant submits that claim 1 is patentable over the cited references, whether taken alone or in combination. In addition, claims 7, 9, 15 and 20 have been amended to recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 7, 9, 15 and 20 are not obvious and are patentable over the cited references for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 1, 7, 9, 15 and 20.

Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 3-6, 8, 11-14, 17-19 and 22 that depend from claims 1, 7, 9, 15 and 20 respectively, and therefore contain additional features that further distinguish these claims from the cited references.

Conclusion

It is believed that claims 1, 3-9, 11-15, 17-20 and 22 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the limitations of the independent claims and dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account 50-4238.

Respectfully submitted,
KACVINSKY LLC

/Andrew H. Aurand/

Andrew H. Aurand, Reg. No. 61,875
Under 37 CFR 1.34(a)

Dated: April 21, 2009

KACVINSKY LLC
C/O CPA Global
P.O. Box 52050
Minneapolis, MN 55402
(724) 933-5529